

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

TOM HUSSEY PHOTOGRAPHY, LLC, )  
   ) )  
Plaintiff,                         ) )  
   ) )  
v.                                    ) C.A. No. 20-404-MN  
   ) )  
BDG MEDIA, INC.,                 ) )  
   ) )  
Defendant.                         ) )

**ORDER**

At Wilmington this 6th day of April 2021:

WHEREAS, Plaintiff filed an Amended Complaint and Jury Demand (D.I. 26) against Defendant;

WHEREAS, on March 17, 2021, Defendant filed a Motion to Dismiss Plaintiff's Complaint or, in the Alternative, to Transfer Venue to the Southern District of New York (D.I. 27);

WHEREAS, on April 5, 2021, Plaintiff filed its Answering Brief in Opposition to Defendant's Motion to Dismiss Plaintiff's Complaint, or in the alternative, to Transfer Venue to the Southern District of New York in which it stated, "Plaintiff reiterates that it does not contest, and affirmatively assents to, the transfer of this action to Defendant's preferred venue so long as the entire case, including the pending motion to dismiss, is then addressed by the transferee court," (D.I. 34 at 7);

THEREFORE, IT IS HEREBY ORDERED that Defendant's motion (D.I. 27) is GRANTED to the extent it requests transfer of the instant case to the Southern District of New York. The portion of that motion seeking dismissal shall remain pending for the transferee court. The Clerk of Court is hereby directed to transfer this action to the Southern District of New York and CLOSE this case.

  
The Honorable Maryellen Noreika  
United States District Judge